IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

MFA.No. 573 of 2000

WCC.75/1997 of W.C.C.,KOZHIKODE
.....

APPELLANTS/DEPENDENT NO.6&7:

1. P.K.AHAMED KOYA, F/O P.K.ALAVI,
   VATTAPARAKANDIYIL HOUSE,
   P.O.KIZHAKKAUMIRI, CALICUT.

2. AYISHA, D/P P.K.ALAVI, DO. DO.

BY ADV. SRI.P.V.KUNHIKRISHNAN
SMT.MARY ANNE JOSEPH

RESPONDENTS/DEFENDANT NO.1 TO 5 & R1 & R2:

1. V.K.AMINA, D/O AHAMMED,
   VATTAPARAKANDIYIL HOUSE,
   P.O.KIZHAKKUMURI, CALICUT.

2. SAIFULLA, S/O P.K.ALAVI, DO. DO.

3. SOUDHA, D/O P.K.ALAVI, DO. DO.

4. RABIA, DO. DO. DO.

5. SAFIA, DO. DO. DO.

6. K.M.ABOOBACKER, S/O BUCHAVA,
   KAMPURATH MANZIL, KARANTHUR.

7. NATIONAL INSURANCE CO. LTD.,
   JAIL ROAD, KOZHIKODE.

(RESPONDENTS 4 & 5 ARE MINORS REP. BY R1)

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 573 of 2000

JUDGMENT

Koshy, J.

The Commissioner for Workmen's Compensation passed an award, when the dependents of a workman, who died in an accident during the course of his employment, applied for compensation. Compensation awarded is disputed by the employer. The Commissioner conducted enquiry regarding the dependency for disbursing the amount. The dependents included, wife, four children, father and mother of the deceased. Father and mother will come only in dependents list No.2. The Commissioner, therefore, after conducting enquiry, ordered to pay compensation to the father and mother at the rate of Rs.5,000/- each. Since the deceased died leaving his young wife and four children (at that time two children were minors),

balance was directed to be paid to them. We are of the opinion that no interference is required in the proportions of disbursement.

The appeal is dismissed.

(J.B.Koshy, Judge)

31st May, 2007

(K.P.Balachandran, Judge)

tkv

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No.573 of 2000

JUDGMENT

31st May, 2007